

Rule 7.4. Communication of ~~f~~Fields of ~~p~~Practice.

~~(a) A lawyer may communicate the fact that the lawyer will accept employment in specified areas of practice. A lawyer whose practice is limited to specified areas of practice may communicate that fact. A lawyer shall not hold himself out publicly as a specialist and shall not indicate any certification or designation as a specialist, except as follows:~~

~~(a) does or does not practice in particular fields of law.~~

~~(b) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "patent attorney" or a substantially similar designation; and.~~

~~(b) In accordance with any plan regulating lawyer specialization approved and promulgated~~

~~(c) A lawyer engaged in Admiralty practice may use the designation "Admiralty," "Proctor in Admiralty" or substantially similar designation.~~

~~(d) A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless the lawyer has been certified as a specialist by the Utah Supreme Court.~~

COMMENT

~~See In re Utah State Bar Petition for Approval of Changes in Disciplinary Rules on Advertising, 647 P.2d 991 (Utah 1982).~~

Comment

[1] Paragraph (a) of this Rule permits a lawyer to indicate areas of practice in communications about the lawyer's services. If a lawyer practices only in certain fields or will not accept matters except in a specified field or fields, the lawyer is permitted to so indicate. A lawyer is generally permitted to state that the lawyer is a "specialist," practices a "specialty" or "specializes in" particular fields, but such communications are subject to the "false and misleading" standard applied in Rule 7.1 to communications concerning a lawyer's services.

[2] Paragraph (b) recognizes the long-established policy of the Patent and Trademark Office for the designation of lawyers practicing before the Office. Paragraph

(c) recognizes that designation of Admiralty practice has a long historical tradition associated with maritime commerce and the federal courts.

[3] Paragraph (d) permits a lawyer to state that the lawyer is certified as a specialist in a field of law if such certification is granted by the Utah Supreme Court. Certification signifies that the court has recognized an advanced degree of knowledge and experience in the specialty area greater than is suggested by general licensure to practice law.

[3a] Paragraph (d) of Utah Rule 7.4 differs from the ABA Model Rule by providing that only the Utah Supreme Court may certify specialists, whereas the ABA Model Rule recognizes specialists designated by an “organization that has been approved by an appropriate state authority.” Correspondingly, the portion of Comment [3] of ABA Model Rule 7.4 that discusses how certifying organizations would determine specialists has been omitted from the Utah Rule.